

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NOS. 1989-615-T and 1989-618-T

IN RE: Petition of the Office of Regulatory Staff to)	
Revoke the Certificate of Public Convenience)	
And Necessity of Carolina Taxi & Limo)	PETITION FOR RULE TO
Corporation)	SHOW CAUSE

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina (“the Commission”) is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 *et seq.*(Supp. 2007); that the Office of Regulatory Staff (“ORS”) is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10, *et seq.* (Supp. 2007).

2. That Carolina Taxi & Limo Corporation (hereinafter “Carolina Taxi”) is the named holder of Certificates of Public Convenience and Necessity (“PC&N”) which authorizes Carolina Taxi to operate as a “motor vehicle carrier” as defined in S.C. Code Ann. §58-23-10(4) in that it owns, controls, operates, or manages motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That Carolina Taxi is subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-10 *et seq.*; further, that Carolina Taxi has submitted itself to the jurisdiction of the Commission by holding Certificates of PC&N as indicated in Attachments A and B. *See Attachment*

A, Certificate of Public Convenience and Necessity No. 5103 issued by the Commission to Carolina Taxi on December 14, 1989 in Docket No. 1989-615-T and *See* Attachment B. Certificate of Public Convenience and Necessity No. 5116 issued by the Commission to Carolina Taxi on March 2, 1990 in Docket No. 1989-618-T.

4. That Carolina Taxi, in being granted its Certificates of PC&N, was found to be fit, willing and able to operate as a motor carrier by the Commission and that the public convenience and necessity were not already being served in the territory by the existing authorized service. [26 S.C. Code Regs. 103-133(1) (Supp. 2007)].

5. That 26 S.C. Code Regs. 103-164 (Supp. 2007) allows the Commission to approve a suspension of operations authorized by a duly issued Certificate of PC&N upon written application of a carrier, provided that the carrier states clearly and concisely the justification for the proposed suspension of service.

6. That subsequent to receiving its Certificate of PC&N, Carolina Taxi requested and received approval to indefinitely suspend its operating authority as permitted by 26 S.C. Code Regs. 103-164 (Supp. 2007) by Order Nos. 2003-262 and 2003-263 issued on April 23, 2003.

7. That since the suspension began in April of 2003 there is no record of Carolina Taxi contacting the Commission or ORS. Further, there is no record of Carolina Taxi currently existing as a valid South Carolina corporation according to the public records of the South Carolina Secretary of State's office. *See* Attachments C and D .

8. That Carolina Taxi has taken no affirmative steps to reinstate its Certificate of PC&N.

9. That pursuant to 26 S.C. Code Regs. 103-825 (Supp. 2007), ORS submits this Petition for a Rule to Show Cause to revoke the Class C Taxi and Class C Charter Certificates of Carolina Taxi for reasons set forth below. Regulation 103-825 (Supp. 2007) provides that "[p]etitions may be submitted to the Commission for any relief, other than for an adjustment of rates and charges, which

the Commission is empowered to grant under its statutory authority” and “[p]etitions which may be filed include ... [a] Petition for a Rule to Show Cause.”

10. That pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2007):

The Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria, or the motor carrier holding a charter bus certificate no longer meets the Commission's insurance requirements or the safety requirements of the Department of Public Safety, or the continuance of said certificates are not in conformity with the spirit and purpose of the law, provided, however, that this rule shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an order granting operating rights without hearing where certain conditions exist.

11. That “the Commission may, at any time, by its order, duly entered, after a hearing had upon notice to the holder of any certificate hereunder at which such holder shall have had an opportunity to be heard and at which time it shall be proved that such holder has willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or any of the terms of his certificate or of the Commission's proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of Articles 1 to 11 of this chapter.” S.C. Code Ann. §58-23-320 (Supp. 2007).

12. That ORS accordingly requests that Carolina Taxi have its Certificates revoked for failure to seek reinstatement of the operating authority under its respective Certificate of PC&N; for not furnishing adequate service; for no longer being compatible with the public interest; for no longer meeting the fit, willing, and able criteria; and for not being in conformity with the spirit and purpose of the law;

WHEREFORE, ORS prays that the Honorable Commission:

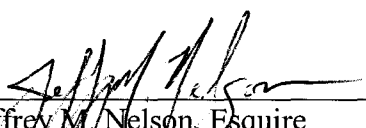
13. Issue an order requiring Carolina Taxi to appear before the Commission, and show cause why an order should not be issued by the Commission revoking the Certificate of PC&N issued to Brown for failure to seek reinstatement of the operating authority under its Certificate of PC&N; for not furnishing adequate service; for no longer being compatible with the public interest to continue said Certificate in force; for no longer meeting the fit, willing, and able criteria; and for failing to act in conformity with the spirit and purpose of the law under which the Certificate of PC&N was granted;

14. Provide the opportunity for Carolina Taxi to answer the allegations of this Petition within thirty (30) days from the date of receipt of the order issuing the Rule to Show Cause;

15. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificate of PC&N which ORS seeks to have revoked by the Commission in this action pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2007) and S.C. Code Ann. §58-23-320 (Supp. 2007).

16. Pursuant to 26 S.C. Code Regs 103-846(C) (Supp. 2007), take judicial notice of the Commission's records that Carolina Taxi has not sought reinstatement of its operating authority under its Certificate of PC&N at any time during the past five years in which its certificates have been suspended as previously authorized by the Commission;

17. For such other appropriate action which the Commission may deem necessary.



Jeffrey M. Nelson, Esquire
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Columbia, South Carolina 29201
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Fax: 803.737.0895
jnelson@regstaff.sc.gov

April 10, 2008
Columbia, South Carolina

STATE OF SOUTH CAROLINA
THE PUBLIC SERVICE COMMISSION
COLUMBIA

Docket No. 89-615-T
Order No. 89-1120
Certificate No. 5103

Class C

Certificate of Public Convenience and Necessity for the Operation of Motor
Vehicle Carriers

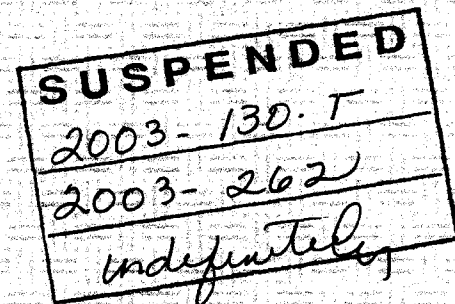
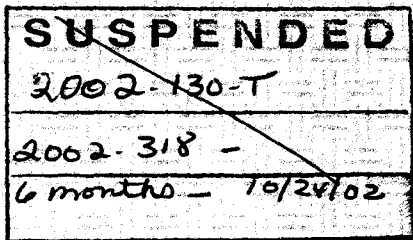
Name CAROLINA TAXI AND LIMO CORPORATION

Address RT. 3, BOX 78, WINNSBORO, SOUTH CAROLINA 29180

is hereby authorized to furnish passenger service, by means of motor propelled vehicles as follows:

FROM: Winnsboro, Columbia, Columbia Metro Airport, Fort Jackson,
Forest Acres, Cayce, West Columbia and Chester, South Carolina.

RESTRICTED TO: 15 passengers.



ATTACHMENT A

This Certificate is issued upon finding by the Commission, that Public Convenience and Necessity require such operation under the terms of the Motor Vehicle Carriers' Law (Sections 58-23-10 - 58-23-60 of the South Carolina Code of Laws, 1976, and amendments thereto); and,

CONDITIONED: That all motor vehicles operated by virtue of this Certificate shall be so operated in accordance with the said Motor Vehicle Carriers' Law and the Rules and Regulations issued thereunder; and,

CONDITIONED FURTHER: That neither this Certificate nor the rights granted therein shall be sold, assigned, leased, transferred, mortgaged, pledged, or otherwise hypothecated, unless first approved by the Commission.

Dated at Columbia, South Carolina, this 14th day of December, A. D. 1989

EXECUTIVE DIRECTOR

CHAIRMAN

STATE OF SOUTH CAROLINA
THE PUBLIC SERVICE COMMISSION
COLUMBIA

Docket No. 89-618-T

Order No. 90-164

Certificate No. 5116

Class C Charter

Certificate of Public Convenience and Necessity for the Operation of Motor
Vehicle Carriers

Name CAROLINA TAXI & LIMO CORPORATION

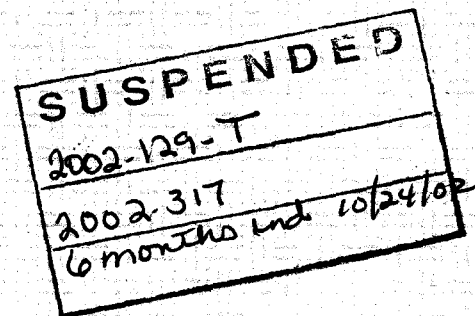
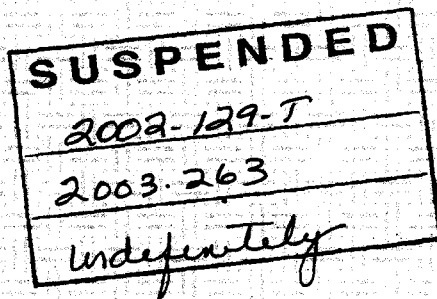
Address ROUTE 3, BOX 78, WINNSBORO, SOUTH CAROLINA 29180

is hereby authorized to furnish passenger service, by means of motor propelled vehicles as follows:

BETWEEN POINTS AND PLACES IN SOUTH CAROLINA.

RESTRICTED: TO 15 PASSENGERS.

ATTACHMENT B

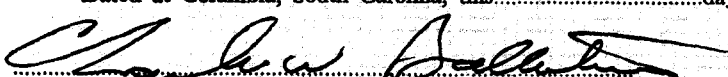


This Certificate is issued upon finding by the Commission, that Public Convenience and Necessity require such operation, under the terms of the Motor Vehicle Carriers' Law (Sections 58-23-10 - 58-23-60 of the South Carolina Code of Laws, 1976, and amendments thereto); and,

CONDITIONED: That all motor vehicles operated by virtue of this Certificate shall be so operated in accordance with the said Motor Vehicle Carriers' Law and the Rules and Regulations issued thereunder; and,

CONDITIONED FURTHER: That neither this Certificate nor the rights granted therein shall be sold, assigned, leased, transferred, mortgaged, pledged, or otherwise hypothecated, unless first approved by the Commission.

Dated at Columbia, South Carolina, this 2nd day of March, A. D. 19 90


EXECUTIVE DIRECTOR


CHAIRMAN



Secretary of State Search

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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NOS. 1989-615-T and 1989-618-T

IN RE:)	
Application of Carolina Taxi and Limo)	CERTIFICATE OF
Corporation for a Certificate of Public)	SERVICE
Convenience and Necessity for the)	
Operation of a Motor Vehicle Carrier)	

This is to certify that I, Pamela J. McMullan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION FOR RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Carolina Taxi & Limo Corporation
Rt. 3, Box 78
Winnsboro, SC 29180



Pamela J. McMullan

April 10, 2008
Columbia, South Carolina